

State of Wisconsin



January 2011 Special Session
Senate Bill 10

Date of enactment: **February 4, 2011**
Date of publication*: **February 18, 2011**

2011 WISCONSIN ACT 6

AN ACT to amend 59.692 (6m), 62.231 (6m), 87.30 (1) (d) and 281.165 (1); and **to create** 281.165 (4) of the statutes; **relating to:** an exemption from water quality standards for wetlands and from certain other regulatory provisions concerning water quality and surface water use that apply to a wetland area in the village of Ashwaubenon; and review of certain changes to shoreland, wetland, and floodplain zoning ordinances that apply to a wetland area in the village of Ashwaubenon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.692 (6m) of the statutes is amended to read:

59.692 (6m) For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2) ~~or~~ (3) (a), or (4) (a), the department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet the shoreland zoning standards.

SECTION 2. 62.231 (6m) of the statutes is amended to read:

62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2) ~~or~~ (3) (a), or (4) (a), the department of natural resources may not proceed under sub. (6), or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet reasonable minimum standards.

SECTION 3. 87.30 (1) (d) of the statutes is amended to read:

87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects an activity that meets all of the requirements under s. 281.165 (2) ~~or~~ (3) (a), or (4) (a), the department may not proceed under this subsection, or otherwise review the amendment, to determine whether the ordinance, as amended, is insufficient.

SECTION 4. 281.165 (1) of the statutes is amended to read:

281.165 (1) COMPLIANCE; EXEMPTION. An activity shall be considered to comply with the water quality standards that are applicable to wetlands and that are promulgated as rules under s. 281.15 and is exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated, order issued or ordinance adopted under any of those sections or chapters, if the activity meets all of the requirements under ~~either~~ sub. (2) ~~or~~ (3), or (4).

SECTION 5. 281.165 (4) of the statutes is created to read:

281.165 (4) VILLAGE OF ASHWAUBENON. (a) Subsection (1) applies to an activity that meets all of the following requirements:

* Section 991.11, WISCONSIN STATUTES 2009–10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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1m. The wetland area is a nonfederal wetland, as defined in s. 281.36 (1) (c), and the activity will affect less than 3 acres of that wetland area.

2. The site of the activity is zoned for community business use and is part of a tax incremental district.

3m. The site of the activity is located in the village of Ashwaubenon in the vicinity of a professional football stadium.

4m. The person who will engage in the activity shall

have provided wetland mitigation at the ratio of at least 1.5 acres of wetland for each acre of wetland affected by the activity. Evidence of the mitigation can be provided by a written affidavit demonstrating a purchase of credits from any of the wetland mitigation banks that are located in the state and that are approved by the department or by an alternative mitigation project approved by the department.
